

REMARKS

This responds to the Office Action mailed on October 24, 2005.

Claims 1, 7, and 16 are amended; as a result, claims 1-20 are presently pending in this application. The claim amendments are consistent with the original filed specification and figures. Moreover, Applicants do not believe that the amendments necessitate a new search in view of the present arguments and analysis and the reference cited. Therefore, Applicants believe that the amendments were made to place the application in condition for allowance and will not require any additional searching. Thus, Applicants respectfully request that the Examiner enter the amendments as proposed above.

§102 Rejection of the Claims

Claims 1-2, 4, 6-9, 12, 14-18 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Tumblin et al. (U.S. 6,490,679). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference.

Here, the Examiner has maintained the previous rejection and has supplemented it with an explanation as to why the Examiner believes that Tumblin also teaches that the client program of Tumblin is unaware of the security layer. In support of this, the Examiner cites a reference within Tumblin where the client program is linked to network security interface module (NSIM) and the NSIM handles the security layer translation for the client program. This technique is presented in Tumblin in column 8 and lines 10-57.

First, it is noted that the client program must still be linked to the NSIM and that the NSIM is in fact security layer aware. The NSIM includes client API calls to intercept and interface with the client program. The Examiner's attention is directed to column 5 lines 14-24, where a security unaware client program has its normal network access module replaced with a NSIM (network security interface module). This modules (NSIM) uses calls that the network access module would use with the client program to then interface to the new security layer in

Tumblin. Essentially, what Tumblin has done is replace a programs network access module with its own security aware module (NSIM) to achieve its security techniques.

Applicants believe the Examiner would agree that Tumblin integrates legacy client programs by adding an additional module in the NSIM. The NSIM is security layer away and is client program specific in that it is aware of communications that the client program will make to the network access layer and those communications are directed from the client program directly to the NSIM, since the NSIM replaces the client programs network access module and is linked to the client program.

Tumblin feigns the appearance of a network access module with the NSIM and uses the NSIM as an intermediary to the security layer. Conversely, Applicants' amended independent claims recite that the application directly receives and communicates with the security layer. That is, there is no intermediary in the transaction performed by Applicants' independent claims and an intermediary (NSIM) is required with Tumblin.

Applicants would also like to point out that there is a variety of benefits with Applicants' non-intermediary approach that Tumblin cannot realize. First, there is no need to support and maintain extra architectural modules, such as the NSIM. Second, there is no need to re-link existing applications to new and replacement intermediary modules, as is required and recited specifically within Tumblin (client programs must be linked to the NSIM). Third, implementing architectures similar to Tumblin is more problematic and expensive because there are going to be some client programs that are security aware and some that are linked to now bogus network access modules via customized NSIM's. The environment for Tumblin will have to be customized and managed with exception processing due to its heterogeneous natures. Fourth, upgrades to the security layer will necessitate upgrades to the NSIM's. Fifth, each different network access module that may exist in the Tumblin architecture will require a customized version of a NSIM.

Thus, it can be seen that the application directly interfacing to the security layer has non trivial and substantial architectural, support, maintenance, and operational benefits, which cannot be realized with a patch approach that Tumblin applies via its NSIM.

Therefore, Tumblin cannot be said to now anticipate Applicants' independent claims because there is no ability, teaching, or suggestion in Tumblin as to how an application that is security layer unaware may directly interface with that security layer. In Tumblin, any security unaware client program is linked to a specialized module, the NSIM, which is in fact both client program aware and security layer aware. Thus, the rejections with respect to Tumblin should be withdrawn and Applicants respectfully request an indication of the same.

§103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of SSL-Talk List FAQ ("SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1"). Claim 3 is dependent from independent claim 1 and claim 10 is dependent from independent claim 7, thus for the remarks presented above with respect to claims 1 and 7, the rejections of claims 3 and 10 should be withdrawn. Applicants respectfully request an indication of the same.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of Samar (U.S. 6,304,974). Claim 5 is dependent from independent claim 1; therefore, for the remarks presented above with respect to claim 1, the rejection of claim 5 should be withdrawn. Applicants respectfully request an indication of the same.

Claims 11 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of What's Enhanced in NetWare 5 ("Novell NetWare Connection Enhanced Netware 5"). Claim 11 is dependent from independent claim 7 and claim 19 is dependent from independent claim 16; thus, for the remarks presented above with respect to claims 7 and 16, the rejections of claims 11 and 19 should be withdrawn. Applicants respectfully request an indication of the same.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of MS SSL Advisor ("Microsoft Security Advisor SSL Specific WSALocctl Controls").

Claim 13 is dependent from independent claim 7; thus, for the remarks presented above with respect to claim 7, the rejection with respect to claim 13 should be withdrawn. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

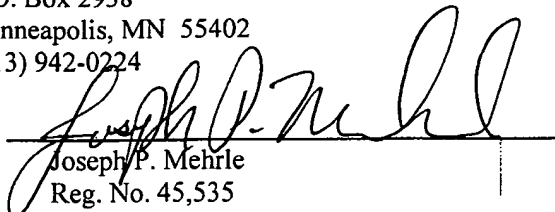
BABER AMIN ET AL.

By their Representatives,


SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

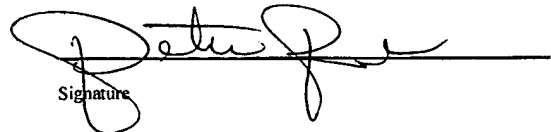
Date 12-23-05

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of December, 2005.


Name


Signature